

No. **3953**

**OFFICIAL ORDER
of the
TEXAS COMMISSIONER OF INSURANCE**

Date: MAY 11 2015

Subject Considered:

Ector County Abstract & Title Co., Inc.
300 East Sixth Street
Odessa, Texas 79760

CONSENT ORDER
TDI ENFORCEMENT FILE NO. 8907

General remarks and official action taken:

The commissioner of insurance considers whether disciplinary action should be taken against Ector County Abstract & Title Co., Inc.

WAIVER

Ector County Abstract & Title acknowledges that the Texas Insurance Code and other applicable laws provide certain rights. Ector County Abstract & Title waives all of these rights, and any other applicable procedural rights, in consideration of the entry of this consent order.

FINDINGS OF FACT

1. Ector County Abstract & Title holds a title insurance agent license issued by the Texas Department of Insurance.
2. The department requires escrow officers to complete 10 continuing education hours during each reporting period.
3. Michael Ogilvy is employed as an escrow officer for Ector County Abstract & Title.
4. Ogilvy certified on his renewal application received October 2013, that he completed 10 required hours of continuing education for the October 1, 2011, through October 1, 2013, reporting period. In doing so, Ogilvy answered yes to question number four, and indicated he completed 10 total hours of continuing education.

5. Ogilvy further signed the "Escrow Officer Certification" on the renewal, certifying that he personally answered each question and that each was true and correct. The renewal application provided notice that failure to comply with any one of the licensing requirements could result in non-renewal.
6. Ector County Abstract & Title signed the "Title Agent or Direct Operation Certification," certifying that they verified Ogilvy completed all continuing education requirements.
7. An audit of records revealed that Ogilvy failed to complete six hours of continuing education during the applicable period.
8. Ogilvy completed the outstanding credit hours and fulfilled the continuing education requirement for the applicable period.
9. Ector County Abstract & Title established internal procedures to assure accuracy when verifying the fulfillment of the escrow officer's continuing education requirement.

CONCLUSIONS OF LAW

1. The commissioner has jurisdiction over this matter pursuant to TEX. INS. CODE §§ 82.051-82.056, 84.021-84.044, 2651.001, 2651.301, 2652.002, 2652.051, 2652.058, 2652.201, and 4005.102-4005.104; 28 TEX. ADMIN. CODE § 9.1, which adopts by reference the Texas Title Insurance Basic Manual, Procedural Rule P-28 (Basic Manual, Rule P-28); and TEX. GOV'T CODE §§ 2001.051-2001.178.
2. The commissioner has authority to informally dispose of this matter under TEX. GOV'T CODE § 2001.056, TEX. INS. CODE § 82.055, and 28 TEX. ADMIN. CODE § 1.47.
3. Pursuant to TEX. INS. CODE §§ 82.052 and 2651.301, and Basic Manual, Rule P-28, TDI may discipline a title agent or direct operation for misrepresenting it verified that its escrow officers had completed all continuing education requirements, including fine, suspension, revocation, or cancellation of a license.
4. Ector County Abstract & Title violated TEX. INS. CODE §§ 2652.051 and 2651.301 by misrepresenting that they verified Ogilvy completed all of his continuing education requirements.

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The commissioner orders Ector County Abstract & Title to pay an administrative penalty of \$3,000. The administrative penalty must be paid in full 30 days from the date of this order. The administrative penalty must be paid by cashier's check or money order made payable to the "State of Texas" and transmitted to the Texas Department of Insurance, Attn: Enforcement Section, Division 40111, MC 9999, P.O. Box 149104, Austin, Texas 78714-9104.



David C. Mattax
Commissioner of Insurance

APPROVED AS TO FORM AND CONTENT:



Beverly Rosendahl, Director
Texas Department of Insurance

